

REMARKS

Applicant appreciates the Examiner's thorough examination of the present application as evidenced by the Office Action mailed December 23, 2008 ("Office Action"). Applicant especially appreciates the withdrawal of the Section 101 rejection and the previous Section 103 rejection. In response, Applicant has amended independent Claims 1, 8, 15, and 16 to clarify that the multiple images are not associated with each other. In view of the above described amendments, Applicant submits that all pending claims are in condition for allowance. Favorable reconsideration of all pending claims is respectfully requested for at least the reasons discussed hereafter.

Independent Claims 1, 8, 15, and 16 are Patentable

Independent Claims 1, 8, 15, and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U. S. Patent No. 7,038,716 to Klein et al. ("Klein") in view of U. S. Patent Publication No. 2003/0071903 to Nakami ("Nakami") and further in view of U. S. Patent Publication No. 2003/0189647 to Kang ("Kang"). (Office Action, page 2). Independent Claim 1, as amended, recites:

generating an effect for application on digital images based on entries of a user;
storing the effect as an effects file in a defined standardised image editor independent effects format; and
transferring the effects file to another device, such that it is used for later application on more than one image, the multiple images not being associated with one another. (Emphasis added).

According to independent Claim 1 the effects file is transferred to another device where it is subsequently used on more than one image, which are not associated with one another.

Independent Claims 8, 15, and 16 have been amended to include similar recitations.

The Office Action acknowledges that Klein fails to disclose an image effects store, but alleges that Nakami provides the missing teachings. (Office Action, page 3). Nakami is directed to an image output system where a digital camera generates an image file that includes both image data and output control data (PIM), which are used in the printing process. (Nakami, paragraph 54; FIG. 1). The Office Action acknowledges, however, that Nakami fails to disclose or suggest using the same effect for multiple images, but alleges that Kang provides the missing teachings. (Office Action, page 3). Kang, however, is directed to

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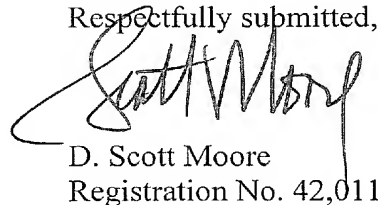
capturing a series of images for a chronological sequence of related events and then selecting one or more of the images from the sequence to be saved while the remaining images are discarded. (Kang, Abstract, paragraphs 25, 26, and 36). In sharp contrast to the recitations of the independent claims, however, the images captured in Kang are associated with each other as being part of a chronological sequence of events. Accordingly, Applicant respectfully submits that the combination of Klein, Nakami, and Kang fails to disclose or suggest, at least, transferring an effects file to another device, such that it is used for later application on more than one image, which are not associated with one another.

For at least the foregoing reasons, Applicant respectfully submits that independent Claims 1, 8, 15, and 16 are patentable over the cited references and that Claims 2 – 7 and 9 – 14 are patentable at least per the patentability of independent claims from which they depend.

CONCLUSION

In light of the above remarks, Applicant respectfully submits that the above-entitled application is now in condition for allowance. Favorable reconsideration of this application, as amended, is respectfully requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

Respectfully submitted,

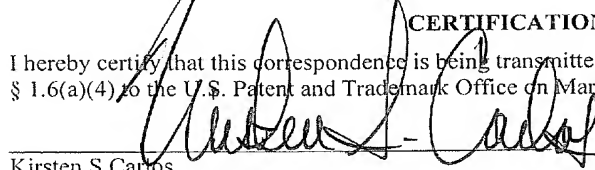


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CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on March 23, 2009.



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